



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING
Leon Valley Conference Center
6421 Evers Road, Leon Valley, Texas 78240
Tuesday, July 07, 2015**

MINUTES

The City Council of the City of Leon Valley, Texas met on the 7th day of July, 2015 at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas for the purpose of the following business:

REGULAR CITY COUNCIL MEETING

Mayor Riley called the Regular City Council Meeting to order at 7:01p.m. and asked that Boy Scout Garret Sinor led the Pledge of Allegiance.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Council Members Carmen Sanchez, Monica Alcocer, Benny Martinez; David Jordan; and David Edwards.

Also in attendance were:

Interim City Manager Hank Brummett, ACM/Human Resources Director Crystal Caldera, City Secretary Sandra Passailaigue, City Attorney Patrick Bernal, Fire Chief Luis Valdez, Public Works Director Melinda Moritz, Community Development Director Elizabeth Carol, Special Projects Manager John Krause, Police Chief Randall Wallace, Assistant Police Chief Ray Lacy, Economic Development Director Claudia Mora and Communications Director Darrick Green.

Mayor Riley introduced City Attorney Patrick Bernal of Denton, Navarro, Rocha, Bernal, Hyde & Zech, P.C.

Mayor Riley asked if any of the Councilmembers wished to pull Items 3, 4, or 5 from the Consent Agenda for discussion. There being no comment from the Council, Mayor Riley moved to Citizens to be Heard.

Citizens to be Heard

- Paul Biever, 6427 Long House Court, spoke on behalf of a group of citizens with concerns about the relationship between the City of Leon Valley City Council and the Leon Valley Historical Society.

- Vicky Jamvold, 7203 Poss Road, spoke on the recently proposed and failed ordinance regarding the regulation of the use of drones within the city limits; on the failure of the LVPD to respond to a call she made to dispatch; and graffiti.
- Carol Poss, 7201 Huebner Road, spoke about the importance of archives of the history of Leon Valley and the connection with the Leon Valley Historical Society and its partnership with the City.
- Marcus Semmelmann, 5919 Rimkus Drive, thanked the LVPD and LVFD for all of their hard work.

There being no further comments from citizens, Mayor Riley asked for a motion to accept the consent agenda.

CONSENT AGENDA

Approval of City Council Minutes. (S. Passailaigue)

- a) June 02, 2015 Regular City Council Meeting
- b) June 10, 2015 Special City Council Meeting
- c) June 16, 2015 Special City Council Meeting
- d) June 16, 2015 Regular City Council Meeting

Discussion and possible action on Ordinance No. 15-009 amending the City of Leon Valley's Code of Ordinances, Chapter 1 "General Provisions", Article 1.10 "Public Gatherings", Division 2, "Parades". M&C #2015-07-07-01 (S. Passailaigue)

Discussion and possible action on Resolution No. 15-019R appointing and removing individuals to and from the Leon Valley Economic Development Corporation; the 2012 Bond Oversight Committee; the Park Commission; the Library Board; and the Tree Advisory Committee. M&C #2015-07-07-02 (S. Passailaigue)

City Attorney Patrick Bernal informed the City Council that Item 5 would need to exclude the appointments to the Leon Valley Economic Development Corporation (LVEDC) until the LVEDC Bylaws and/or Articles of Incorporation are amended by either the LVEDC Board or the City Council. The LVEDC Bylaws and Articles of Incorporation do not currently allow members of City Council to serve on the board.

A motion was made by Council Member Monica Alcocer seconded by Council Member Carmen Sanchez, to approve Consent Agenda Items #3 (June 2nd, 10th, and 16th City Council Minutes) as amended, #4 (Ordinance No. 15-009), and #5 (Resolution No. 15-019R) withdrawing the appointments to the LVEDC. Upon a unanimous vote, Mayor Riley announced the motion carried.

City Manager's Report:

- a) Leon Valley – Firewise Community
- b) Approved Minutes from Boards, Commissions and Committees
- c) Future Agenda Items:
 - Funding Request by the Tree Advisory Committee for repurposing the wood from LC17 Project

- **Beautification Committee Report, July 21, 2015**

Interim City Manager Hank Brummett asked Fire Chief Luis Valdez to step forward for Item 6a. Chief Valdez proudly announced that the City of Leon Valley has been named a Firewise Community. Chief Valdez said that this was a huge award that only fifty-five (55) cities in the State of Texas have obtained and that Leon Valley is the first in Bexar County to obtain it. This award allows those with USAA homeowners insurance to get a discount on their rates. Chief Valdez said other insurance providers are being encouraged to offer this same discount.

Interim City Manager Brummett told the City Council that he is very impressed with the quality of the work by all of our department heads, and that they should also be very proud of how hard they work. Mr. Brummett also reminded everyone that dispatch is still housed in Helotes and that operations are running smoothly.

Mayor Riley expressed her gratitude to Helotes for allowing the Leon Valley dispatch to work from their facility.

REGULAR AGENDA

Discussion and possible action accepting or rejecting bids submitted for the Leon Valley Huebner Creek Greenway Hike & Bike Trail. M&C #2015-07-07-03 (M. Moritz)

Public Works Director Melinda Moritz presented the item saying that at the June 6, 2015 City Council meeting, the City Council resolved to delay construction of the proposed Hike & Bike Trail until after the Bexar County Flood Control LC-17 project has been completed. Bids for this project had been solicited and received, but no bid has been awarded to date. Due to the action of the City Council it is necessary to formally reject all bids received for this project. The resolution indicates that the trail plan will be revisited at the January 2016 Town Hall meeting. After the project plan revisions receive City Council and Texas Department of Transportation (TxDOT) approval, new bids will be sought and submitted for approval. A request has been forwarded to the Alamo Area Metropolitan Planning Organization (MPO) to move the project to the MPO's FY 2017 Transportation Improvement Program. The project was funded in the amount of \$975,972. Engineering, design, and review fees in the amount of \$185,837.67 have been paid to date, with some additional review fees still due to TxDOT.

A motion was made by Council Member Benny Martinez seconded by Council Member Monica Alcocer, to formally reject all bids submitted for the hike and bike trail. Upon a unanimous vote, Mayor Riley announced the motion carried.

Discussion and possible action on Resolution No. 15-020R authorizing the filing of an application with the San Antonio-Bexar County Metropolitan Planning Organization FY 2017-2020 Transportation Improvement Program and authorizing the City Manager to act on behalf of the City Council in all matters related to the application; and pledging that if a grant is received, the City of Leon Valley will comply with grant requirements. M&C #2015-07-07-04 (M. Moritz)

A motion was made by Council Member Monica Alcocer seconded by Council Member David Jordan, to postpone this item until August 4th when more information would be available. Upon a unanimous vote, Mayor Riley announced the motion carried.

Discussion and possible action on the Interlocal Agreement between the City of Leon Valley and VIA Metropolitan Transit granting the City of Leon Valley \$205,208.94 for curb ramps and bus pads at thirteen (13) locations within the city limits. M&C #2015-07-07-05 (C. Caldera)

Public Works Director Melinda Moritz presented the item saying that the City of Leon Valley has resurfaced Evers Road; with plans for the construction of bus pads and ADA compliant curb ramps. VIA has agreed to pay for the construction of bus pads and ADA compliant curb ramps along the roadway, from funds they have allocated to the City of Leon Valley. In August of 2014, VIA received a \$2,000,000 Surface Transportation Program – Metropolitan Mobility (STP-MM) grant from the Alamo Area Metropolitan Planning Organization (MPO). The VIA Board approved allocating this funding to suburban cities within the VIA service area. The funds must be spent on improvements that will benefit riders of the VIA transit system. In order for VIA to transmit the funds to Leon Valley, the agreement must be completed and submitted to VIA. Via will reimburse the City of Leon Valley a total of \$205,208.94 for bus pads (\$150,139.44) and curb ramps (\$55,069.50). The project will provide bus pads and ADA compliant curb ramps along Evers Road to enhance pedestrian mobility and improve overall safety. Plans to provide ADA compliant sidewalks along Evers Road are to be presented to the City Council during the next fiscal year budget. Public Works Director Moritz concluded by saying that the staff recommends that City Council authorize the City Manager to enter into an agreement with VIA Metropolitan Transit (VIA) for the purpose of reimbursing funds for bus pads and curb ramps along Evers Road.

Interim City Manager Brummett informed the City Council that the grant is for \$263,000 leaving about \$57,000 to spend on other things as long as it has to do with VIA. A location being looked at is Huebner at Timberhill.

A motion was made by Council Member David Jordan seconded by Council Member Benny Martinez, to authorize the City Manager to enter into the Interlocal Agreement between the City of Leon Valley and VIA Metropolitan Transit granting the City of Leon Valley \$205,208.94 for curb ramps and bus pads at thirteen (13) locations within the city limits. Upon a unanimous vote, Mayor Riley announced the motion carried.

Discussion and possible action on a variance request by Alpaben Gajena, owner of New Friends Learning Center, to Chapter 3.05.02 Permit: to install a fence that is located at 7500 Eckhert Road, Suite 140. M&C #2015-07-07-06 (E. Carol)

Community Development Director Elizabeth Carol asked that the City Council consider a postponement of this item because of an advertising issue and the inability of the owner to be present this evening.

A motion was made by Council Member Monica Alcocer seconded by Council Member Carmen Sanchez, to postpone this item until August 4th City Council meeting. Upon a unanimous vote, Mayor Riley announced the motion carried.

Discussion and possible action to authorize Suspension of Execution on the judgment in Cause No. 2011-CI-17823 on the docket of the 37th District Court of Bexar County, Texas styled *Larry Little v. City of Leon Valley Economic Development Corporation*. M&C #2015-07-07-07 (C. Mora)

Economic Development Director Claudia Mora presented the item and EDC Attorney Dan Pozza and City Attorney Patrick Bernal were present to answer questions.

Economic Development Director Mora began the presentation by saying that the purpose of this item is for the City Council to consider and approve a resolution that will authorize the Leon Valley Economic Development Corporation (LVEDC) and its attorneys to suspend the execution on the judgment against the LVEDC in the lawsuit *Larry Little v. City of Leon Valley Economic Development Corporation*. The manner in which the suspension will be done will be in the posting of a supersedeas bond or making a deposit in lieu of bond. The LVEDC and its attorneys plan to appeal the judgment from the 37th District Court of Bexar County. In April 2015, the lawsuit *Larry Little v. City of Leon Valley Economic Development Corporation* went to trial. Economic Development Director Mora continued by giving a background on this item saying that in the lawsuit, the judgment was in favor of the plaintiff, Mr. Little. The LVEDC decided it would appeal the judgment. As part of the appellate process, the LVEDC wants to delay the payment of the judgment from the trial. In order to do that, the LVEDC must post a supersedeas bond or make a deposit in lieu of bond. The bond's value is for half of the LVEDC's net worth. The CPA firm of Rodriguez Holland & Co., P.C. Certified Public Accountants and Consultants calculated the current net worth to be \$158,250. The bond or deposit in lieu of bond will be paid to the 37th District Court of Bexar County, Texas to demonstrate the LVEDC's good faith, intention and commitment to meeting the ruling if it loses the appeal. At a special meeting of the LVEDC on Thursday, July 2nd, the Board approved authorization to suspend the execution on the judgment in Cause No. 2011-CI-17823 on the Docket of the 37th District Court of Bexar County, Texas styled *Larry Little v. City of Leon Valley Economic Development Corporation* and the use of the current net worth figure as calculated by Rodriguez Holland & Co., P.C.

A motion was made by Council Member Benny Martinez and seconded by Council Member Monica Alcocer, to accept Resolution No. 15-021R as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

DISCUSSION AGENDA

Upcoming Important Events:

- a) LC17 Presentation by Bobby Mengden, PE, CFM, Leon Valley Conference Center, July 8, 2015 from 6:30 p.m. - 8:30 p.m.
- b) Coffee with the Mayor and City Council, July 25, 2015 from 9:00 a.m. – 11:00 a.m. at the Leon Valley Conference Center. Topic: CPS Energy Discussion of a Community Solar Program.

- c) Texas Municipal League (TML) Newly Elected City Officials Orientation – Round Rock, August 13th-14th
- d) Texas Municipal League 103rd Annual Conference and Exhibition – San Antonio, September 22-25, 2015.

Mayor Riley asked that everyone read about the upcoming events and reminded everyone that on the second Tuesday of each month is a Crime Prevention Meeting. This meeting is held monthly at the Public Library from 7:00 p.m. – 8:00 p.m. sponsored by the LVPD.

Citizens to be Heard.

None

Announcements by the Mayor and Council Members.

Council Members thanked the staff for all of their hard work and in making the July 4th Spectacular a successful event.

Mayor Riley led everyone in singing Happy Birthday to Council Member Monica Alcocer who celebrated her birthday on July 6th. Mayor Riley also read aloud a letter she received from Mike De La Garza, (event coordinator) congratulating the City on a very successful July 4th Spectacular where an estimated 15,000 were in attendance.

Adjournment

Mayor Riley announced the meeting adjourned at 8:24 p.m.

These minutes approved by the Leon Valley City Council on the 21st of July, 2015.

APPROVED

Chris Riley

CHRIS RILEY
MAYOR

ATTEST:

Saundra Passailaigue
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

